

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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IN RE PAYMENT CARD  
INTERCHANGE FEE AND  
MERCHANT DISCOUNT  
ANTITRUST LITIGATION

**PRETRIAL ORDER NO. 12**  
05-MD-1720 (JG) (JO)

This document refers to: ALL ACTIONS

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**JAMES ORENSTEIN, Magistrate Judge:**

Pending before me is an application by the plaintiffs to compel certain discovery. *See* Docket Entry 492. I now grant the application in part and deny it in part. Specifically, I order the defendants to produce non-privileged documents responsive to the plaintiffs' requests that were created during the period from January 1, 2000 to the present (the "Discovery Period"). To the extent the plaintiffs seek an order compelling the production of documents created prior to the Discovery Period, I deny it without prejudice to renewal upon a showing of good cause after they have reviewed the discovery to be produced as a result of this order.

**SO ORDERED.**

Dated: Brooklyn, New York  
October 5, 2006

/s/ James Orenstein  
JAMES ORENSTEIN  
U.S. Magistrate Judge